

Remarks

Status of Claims

Claims pending for examination: 1-15 and 17-61

Claims previously canceled: 16

Claims currently amended: 17, 20, 22, 24-25, 37-33

Claims in independent form: 1, 13, 14, 27, 40, 50, and 52

Claim Objections

Claims 28, 29 and 31 were objected to for lacking antecedent basis. These claims have been amended for clarity. Accordingly, Applicant respectfully requests that the objection should be withdrawn.

Claim Rejections - 35 USC § 112, 2nd ¶

Claims 16-39 were rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. In particular, the Office Action objects to the use of "time-frequency analysis" because the written description does not clearly define the claim term. For at least the reasons set forth below, it is respectfully submitted that the rejection should be withdrawn.

According to MPEP 2173.02, "a claim term that is not used or defined in the specification *is not indefinite* if the meaning of the claim term is discernible." *Bancorp Services, L.L.C. v. Hartford Life Ins. Co.*, 69, USPQ2d 1996, 1999-2000 (Fed. Cir. 2004) (emphasis added).

The meaning of the term "time-frequency analysis" is discernible to one of ordinary skill in the art. A skilled artisan would understand this term to mean analysis of a signal represented over both time and frequency and/or analysis that determines frequency components of a time domain signal. In addition, this term is

used in many patents, including, e.g., U.S. Patent Nos. 6,208,949, 6,507,798 and 6,775,007 (see col. 5, lines 30-34, which discloses "[s]ignal from different depth locations could then be separated by computing fast Fourier transform (FFT) of the detected signal, or by any other time-frequency analysis method (e.g., filter banks, matched filtering, chirping, etc.).

For at least these reasons, it is respectfully submitted that the use of "time-frequency analysis" does not render claims 17-39 (claim 16 is now cancelled) indefinite. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Claim Rejections- 35 USC § 102

Claims 16 and 17 were rejected as being anticipated by Cohen et al. (U.S. 5,204,734). Claim 16 has been cancelled and dependent claim 27, which previously depended from claim 16, has been rewritten in independent form. All claims that previously depended from claim 16 have been amended to depend from now-independent claim 27. Accordingly, Applicant respectfully requests that the rejection be withdrawn.


Allowable Subject Matter

The indication of the allowability of claims 1-15 and 40-61 is acknowledged with thanks.

Conclusion

For the reasons set forth above, the claims are now in condition for allowance. An early allowance of the claims is earnestly solicited.

Respectfully submitted,



John T. Kalnay (Reg. No. 46,816)
(216) 308-3245
(216) 503-5401 (fax)
Kraguljac & Kalnay, LLC
Summit One, Suite 510
4700 Rockside Road.
Independence, OH 44131